(MR. SPEAKER.)

members if additional questions are required. Anyway we will send instructions to the members in that connection.

Sri A. BHEEMAPPA NAIK.—The questions will be sent within 15 days of notice. In case the House were to adjourn *sine die*, there will be enough time, but if it is adjourned to a definite time, would there be enough time to give notice of questions?

Mr. SPEAKER.—We will consider all that.

MYSORE CIVIL COURTS (AMENDMENT) BILL, 1955.

Mr. SPEAKER.—Clauses.

Clauses 2, 3, 4 and 5.

The question is:

"That Clauses 2, 3, 4 and 5 stand part of the Bill."

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Mr. SPEAKER.—Clause 6. There is an amendment to clause 6 of the Bill.

Sri S. SRINIVASA IYENGAR (T. Narasipur).—I beg to move the following amendment to clause 6 of the Bill.

"The following proviso shall be added to section 5 of the principal Act, namely:—

'Provided that the local limits of the jurisdiction of the Court of a Civil Judge shall not be less than two Revenue Districts."

Under the Principal Act, the Government have the powers to fix the limits of the Courts. Clause 6 of the Bill simply seeks to introduce the words "the court of a Civil Judge also in addition to the names of courts mentioned in section 5 of the Principal Act."

As it is, there are three District Courts in Mysore State, one at Bangalore and the other at Mysore and the third in Shimoga. These courts have the jurisdiction over the remaining districts of the State. The Mysore District Court and the Sessions Judge has the jurisdiction of Hassan and Mandya Districts. The District Court at Shimoga has the jurisdiction of Chitaldrug and Chikmagalur Districts and the District Court at Bangalore has the jurisdiction of Kolar and Tumkur Districts. In the Courts of the District and Sessions Judges, original suits were also entertained. Isn these districts which I have just now mentioned, apart from the District Courts of Mysore, Bangalore and Shimoga, there are Subordinate Judges Courts. The pecuniary jurisdiction of the Subordinate Judges Courts in these three districts other than the districts of Mysore, Bangalore and Shimoga, is limited to Rs. 10,000 by an order of Government. Under the Principal Act, the pecuniary jurisdiction of these courts of Subordinate Judges is limited to Rs. 5,000 and there is a proviso in this section in the principal Act to the effect that Government might enhance the pecuniary jurisdiction to Rs. 10,000. In exercise of the powers contained in that proviso, the Government have passed orders empowering the Subordinate Judges Court to have a pecuniary jurisdiction of Rs. 10,000 in civil suits. Suits exceeding this limit, are filed in the District Court in Mysore, Bangalore and Shimoga in respect of the remaining districts. I will just place before this House the number of cases in the original suits.

Sir, in the Mysore District Court the number of those cases which exceed the limit of Rs. 10,000 pertaining to Hassan District is 2 and Mandya District to one for the whole year. In respect of Sessions cases 10 from Hassan District and 10 from Mandya District are taken in the Mysore District Court. In respect of criminal appeals, thirty-four in Hassan District and 16 in Mandya District are entertained in the Mysore District Court.

Sri A. BHEEMAPPA NAIK.—Have you given the number of cases pertaining to Mysore District?

Sri S. SRINIVASA IYENGAR.—I am reading the statistics for every district and if the Hon'ble Member has still a doubt, I will

try to furnish him information if I can. Otherwise I will refer to the Mallappa Committee Report and give him the reply if I can.

Sri A. BHEEMAPPA NAIK.— I asked whether you gave the number of cases pertaining to Mysore District. You did not. You gave figures pertaining to Hassan and Mandya Districts only.

Sri S. SRINIVASA IYENGAR.— I will read that also. I thought that I should confine myself to the Districts other than Mysore District. Because there is a District Court in Mysore, the work that the District Court I thought it was necessary for me to place before this House handles in respect of other districts. If the Hon'ble Member desires me to inform the House of the cases or the volume of business that relates to Mysore District, I have no objection to give those figures. I have the figures.—

Mysore District.—Original Suits are 26 in number in a year. That is the average of 5 years. Regular Appeals—262, in Mysore District. There are no appeals from Hassan District or Mandya District. There are 10 Miscellaneous Appeals in the District Court of Mysore, all from Mysore District. There are no Revision Appeals from Hassan or Mandya District. Sessions Cases are 20; Criminal Appeals are 80.

As I have already stated, there are three District Courts at present; one is in Mysore, one in Bangalore and the third in Shimoga. Presently, I will furnish the statistical information in respect of the District and Sessions Court at Bangalore, as stated in the Report submitted by Sri Mallappa Committee.

District Court in Bangalore.—*Bangalore District*: Original Suits number 87. Revision Appeals. . .318. Criminal Appeals. . .141. Sessions Cases. . .25.

Kolar District.—Suits exceeding the value of Rs. 10,000 number 8. There are no Revision Appeals. Criminal Appeals number 99. Sessions Cases are only 16 in number.

Tumkur District.—There are 5 Original Suits and no Revision Appeals. Criminal Appeals 27 in number and Sessions Cases. . .10.

The third District Court, namely, the District Court in Shimoga:

Shimoga District.—Original Suits exceeding the value of Rs 10,000 number 19 for the whole year. Revision Appeals: 127. Miscellaneous Appeals: 45. Sessions Cases: 10. Criminal Appeals: 55.

This Court has the jurisdiction of the Districts of Chitaldrug and Chickmagalur.

Chitaldrug District.—From this District wherefrom the Hon'ble Member who interrupted me comes, there are only 7 Original Suits for the whole year. Revision Appeals: 5. Miscellaneous Appeals: 5. Sessions Cases: 12. Criminal Appeals: 67.

Chickmagalur District.—Original Suits: 7. Revision Appeals: 5. Miscellaneous Appeals: 3. Sessions Cases: 10. Criminal Appeals: 9.

For the information of the House I will just mention the volume of business that is being handled by the District and Sessions Court in Bellary, which is part of the Mysore State.

District and Sessions Judge's Court, Bellary.—Original Suits: 10. Sessions Cases: 30. Criminal Appeals: 120. Criminal Revision Cases: 10. Regular Appeals: 150. Miscellaneous Appeals: 25.

According to the statistics I have just now furnished, if the Bill as it is before us is accepted, we will be empowering the Government to establish a District and Civil Judge's Court in each District in addition to the Subordnate Judge's Court. If these two Courts are set up in each District, there will be very little work. I have just now shown that the Original Suits exceeding the value of Rs. 10,000 are very small in number. Therefore, we will be wasting public funds if we establish a Civil Judge's Court in each District, as stated in the Statement of Objects and Reasons.

Sri B. NARAYANASWAMY (Mysore City--South).—In the Bill the territorial jurisdiction has not been

(SRI B. NARAYANASWAMY.)

mentioned. The Government have kept it for themselves. It is for the Government to say whether it is for each District or for two Districts or three Districts. My friend should not take merely the Statement of Objects and Reasons and say that for each District the Government have already decided. It is not like that.

Sri S. SRINIVASA IYENGAR.—I wanted to say the same thing that he said. I will not take that answer from the Hon'ble Member. I will take it from the Hon'ble Minister. It is true that the Government have power under section 5 to fix the number of Judges. What I say is, let this Legislature have that power, instead of the Executive having the power, to appoint as many Judges as they want, let the Legislature say that while creating additional posts, the number may be limited to so and so. There is no harm in that. In fact, it safeguards the interests of the public. We will leave it to the Executive to appoint as many Judges as we consider necessary and according to the expert advice. There is nothing wrong in that. As I have already stated, the Subordinate Judge's Court now existing in almost all the Districts can best be used for implementing the much advertised principle of the separation of the Judiciary from the Executive. My amendment only says this. Let the Civil Judge who is going to be appointed, have a jurisdiction of two revenue districts. Now the District and Sessions Courts in these three places, namely, Mysore, Bangalore and Shimoga, have jurisdiction over three districts. My amendment seeks to impress on this House that the jurisdiction will be limited to two districts. So I have tried to relieve the strain of districts and at the same time, limit the number of Judges that may be appointed in exercising the provisions of this Bill. There is nothing wrong. That is one thing.

Secondly, I think in the course of a talk the Hon'ble Minister was pleased to state that it might be impracticable, and in the course of the reply also, the Hon'ble Minister will say that we are all very anxious for the separation of the Judiciary from the Executive. We are one with him. The whole House wants the separation of the Judiciary from the Executive to be done as quickly as possible. While answering some questions, the Hon'ble Minister was pleased to state that the preventive and protective sections of the Criminal Procedure Code still vest with the Deputy Commissioner. We have a Deputy Commissioner for every District. When the preventive and the protective sections of the Criminal Procedure Code are to be exercised by the Deputy Commissioners, we will be experiencing no difficulty in respect of maintenance of law and order. What is necessary is, withdrawing of certain powers from the District Magistrate in respect of appeals and revisions. For appeals I have learnt that the District Court and the Deputy Commissioner have concurrent jurisdiction. If concurrent jurisdiction is withdrawn from the Deputy Commissioner, he will be accomplishing the separation of the Judiciary from the Executive without any difficulty and in respect of revisions I also learnt, this revision lies from the Second Class Magistrate to that of the First Class Magistrate and from that of the First Class Magistrate to the District Magistrate. Now when that source is open and when the District Judge can hear the Criminal Appeals there is no necessity to make the Deputy Commissioner continue to hear such appeals. Therefore, I submit that there is absolutely no difficulty at all. What I will be doing is, I will be tightening the hands of the Executive to limit the number of Civil Judges I am going to create. Under this Bill, the creation of 10 Civil Judges is unnecessary and would amount to wastage of public funds. I therefore move this amendment for the consideration of this august House.

Mr. SPEAKER.—Motion moved :

"That the following provision shall be added to section 5 of the principal Act, namely :—

"Provided that the local limits of the jurisdiction of the Court

of a Civil Judge shall not be less than two Revenue Districts.''

Sri A. BHEEMAPPA NAIK.—I oppose this amendment. I am not answering my friend Sri Srinivasa Iyengar on behalf of the Cabinet just as he said Sri Narayanaswamy is answering.

Sri B. NARAYANASWAMY.—I never answered on behalf of the Cabinet.

Sri A. BHEEMAPPA NAIK.—I don't answer on behalf of the Cabinet. I am simply opposing his amendment. My friend was limiting two districts for the jurisdiction of the Civil Judge. I want to know what logic is there. Why not 10 districts if there is not much work; why not only one district if there is heavy work? That will be the question. Supposing Mysore and Bangalore are to be tacked on; what will be quantum of work that a Civil Judge will be entrusted with? Can he do it would be the question. Here, though my friend feels that the Government would be appointing any number of judges and wasting the public money, why not we think that Government also would think in that very line and if necessary invest them with jurisdiction of two districts or three districts if necessary or one district when there is heavy work. It is simply allowing the Government to think whether the work that is to be entrusted to the Civil Judge would be sufficient within a district. If my friend is economical enough, under the Second Five-Year Plan, they will also be more economical, having found no money to deal with that Plan. Therefore, it is better that that discretion is left to the Government so that if there is sufficient work they may appoint one Civil Judge for each district; they may even appoint 5 Civil Judges and distribute the work of all the Districts. The discretion is vested in them here. More than that, it is not stereotype districts that we are having. As he has now pointed out, some districts have less work and some districts have very heavy work. Therefore, discretion is vested in the Government to consider whether a Civil Judge is to be appointed with a jurisdiction of over two districts, or one district alone would have sufficient number of cases to be dealt with, by him in which case there will be one Judge for each district. That is why discretion is vested in the Government. It may be even three districts. Both a District Judge and a Civil Judge may have jurisdiction over three districts and might divide work between themselves, and causes not exceeding Rs. 20,000 for one Judge and the other causes for the other. That way, instead of curtailing and restricting the discretion, here the clause, as it at present stands, has simply allowed so many District Judges to be appointed. No jurisdiction is limited irrespective of work. If in the Statement of Objects and Reasons they have said it and if it is not brought under any clause, that is not binding on anybody. The Bill does not contain such a clause as to say that the jurisdiction of a Civil Judge will be one district and nothing more. They have not yet said it.

[Sri B. P. Nagaraja Murthy in the Chair.]

So here to argue and say 'not less than two districts' would not be correct because a district like Bangalore might have one Civil Judge: a district like Mysore might need one Civil Judge. This kind of restricting and saying, without consideration of the area or the population or the filing, of suits, "not less than two districts" is not correct, and is not logical. Therefore, I oppose this amendment.

11 A.M.

Sri B. NARAYANASWAMY.—I oppose this amendment. As I have submitted, the framers of this Bill have wisely left out fixing of the jurisdiction of Civil Judges' Courts because under Section 5 of the Principal Act it is for Government to fix territorial jurisdiction of a court whether it is that of a Munsiff or Sub-Judge or District Judge. If we accept the amendment of Sri Srinivasa Iyengar, I think we will be once and for all committing ourselves to a definite position from which it will be very difficult for us to come out. As a matter of fact, if we restrict ourselves only to the Principal Act, under

(SRI B. NARAYANASWAMY.)

Section 5 we will be giving power to the Government to change the territorial judrisdiction of any particular court as and when necessary. As a matter of fact, if we fix the territorial jurisdiction of a civil court now alone to not less than two revenue districts, perhaps a day will come when it will be impossible to change it to one district, if we accept this amendment. Take the case of Mysore or Bangalore District. It is contemplated under this Bill to invest the Civil Judge with criminal powers. So, he will be a Judicial District Magistrate and he will have powers of supervision over criminal courts. Perhaps he will have to hear criminal cases also under this Bill. So, a Civil Judge in a particular district may have very heavy work and as such to commit ourselves to the proposed amendment now tabled by Srinivasa Iyengar would land us in a good deal of difficulty and it is better that we leave the matter as it now exists under Section 5 of the Principal Act. It is very elastic and it is for the Government to prescribe territorial jurisdiction. As I have already said, in Section 3, they have said that there shall be five classes of Civil Courts. First is the District Court. Here the word 'district' is mentioned. Second is the court of Civil Judge. Here, they have cleverly avoided mentioning whether it is for a district or for districts. It might be that a civil court may be given to a City like Bangalore itself. So, it is better that we leave the discretion to Government to exercise their powers under Section 5 of the Principal Act and hence I oppose this amendment, Sir.

SRI J. MOHAMED IMAM.—Sir, I did not want to take part in this debate but for the fact that a very reasonable and genuine amendment of my friend Sri Srinivasa Iyengar has evoked so much controversy. Sir, my friend Sri Srinivasa Iyengar must have really overwhelmed the Minister with facts and figures which are indisputable. His only object of moving this amendment is that the measures that are going to be adopted should be effective and secondly the proposed changes must involve as little expenditure as possible. I think it is with these two laudable objects that my friendh as been trying his best to convince my friends on the opposite side. My friend's amendment seeks for the appointment of only one civil judge for two districts. Sri Bheemappa Naik and Sri Narayanaswamy said that it may be left to the Government and they may follow that suggestion. But on the other hand, I may draw their attention to what has been mentioned in the financial memorandum. The Bill envisages the establishment of a new class of courts called the Courts of Civil Judges in each district. So, I think the Government is definite in their policy and it is their intention, when this Bill becomes law, to appoint one Civil Judge for each district. So, there is absolutely no doubt about that. If this Bill is passed into law, I am sure the Government according to the Act have to appoint one judge for each district. So, that means to say to that extent the Government will commit itself to extra expenditure. Sir, under this Bill, the Government propose to introduce a new class of judges called the Civil Judges who will come midway between the District Judge and the Sub-Judge, and the introduction of this new cadre will involve the State an additional expenditure to the extent of Rs. 1,10,000 in the initial stage and as time goes on, the expenditure is bound to go up. It has also been pointed out by my friend Sri Mulka Govinda Reddy that there is a move on the part of the Judges to get their pay and salaries revised and that is also mentioned in the Financial Memorandum. So, when they appoint Civil Judges, naturally they will have to revise the pay of Civil Judges. In these days of financial stringency, the Government would have to incur an expenditure to the extent of a lakh of rupees. Therefore, my friend has brought forward this amendment, that the appointment of Civil Judges should cover the jurisdiction of two districts. His idea is to see that economy is effected as far as possible. On the other hand, I do not see the necessity of retaining Sub-Judges while Civil Judges have been appointed. Then,

there will be a District Judge, Civil Judge Sub-Judge and Munsiff; there will be thus four categories. So, I am very doubtful if there will be enough work for every class of these judges. It has been suggested we can as well do away with the category of Sub-Judges and entrust this work as well as the work of District Magistrate to Civil Judges. Where is the need to retain Sub-Judges? The Minister for Law has just now stated that much of the work that is now being carried on by the District Magistrate will continue to remain with him. He will be responsible for maintaining law and order, and that work is not taken away; he will be responsible to prevent the breach of the peace and all preventive and protective action will be left to the District Magistrate or the Deputy Commissioner and he will continue to be the head of the Police. So, I cannot understand what is exactly the jurisdiction of these new District Magistrates or Civil Judges. What is the work that is going to be allotted to them? Will they have enough work? That is the point to be considered. Are they going to hear appeals or anything else? What is the kind of separation you are going to effect? It is true, Sir, from the beginning you have been urging for the separation of the Judiciary from the Executive The idea has been that the executive should exercise as little patronage as possible. But the Judiciary and the Judicial Officers must discharge their duties in a spirit of definite independence unmoved and uninfluenced by the Government. That is the idea and aim. Now, Sir, Government should give us the blue-print as to what extent they are going to carry out this separation, as to what extent they are going to ensure the independence of the Judiciary. But according to this Bill which seeks the appointment of new Civil Judges, it is not explained to this House as to what extent the independence of the Judiciary will be maintained. But from the explanation given by the Minister I am constrained to think that this Bill only aims at the creation of new judges and perhaps solves unemployment to that extent and it does not bring or ensure independence on the part of judges. In the first place, who is the appointing authority of Civil Judges? Is it the High Court or is it the Government? If the Civil Judges owe their origin and their prospects and depend on their prospects upon the Government, can they really be independent of the Government? That point has to be made clear. The Civil Judges' appointment must be such, their continuance and their prospects must be such that they should not be under any obligation to the Government or the Executive. Right up from the top to the bottom, they must be independent of the Government; they must be independent of the Police. They should not be under any obligation. So, now, the first question is who is the authority that appoints Civil Judges? Is it the Government? If it is their intention that they should be responsible for their origin and for their appointment, then I am afraid, the independence of the judges would not be guaranteed. As long as the judge depends for his future on the Government, he cannot be independent of the Government and he will be under the obligation of the Government. That point has not been made clear. Secondly, as I have already stated, his duties are not defined. My submission is that if the Judiciary has to be made independent of the Executive, a complete scheme has to be prepared. Well, does the Government think that the independence will be achieved by the creation of these Civil Judges or should they go further? Is it only the first step towards this object or is it the final step? These are the matters which have to be thrashed out. The Government should think over and should give us a clear picture, a comprehensive scheme as to what all steps they are going to take for the creation of an independent Judiciary. So, Sir, this Bill is incomplete and I must say we are not convinced that this Bill will make the judges independent of the Executive. On the other hand, it may create greater confusion and it may land the Government in great financial liability. So, Sir, I submit that the

(SRI J. MOHAMED IMAM.) Government must postpone the consideration of this Bill. It has been our practice and it has been our experience till now that the Government in the initial stage when they bring a Bill before the House will be very enthusiastic and after the Bill is passed, they will be full of confusion. Let them study this problem in all its aspects. First of all let them study how to make this object effective if it is going to become effective. If they give us a clear picture, we have no objection to vote for extra grant. This, I am afraid, is a half-hearted measure and this will only involve the Government in greater expenditure. I therefore, support the amendment of my friend Sri Srinivasa Iyengar. I think there is no need for the retention of the Sub-Judges. But if the Government think that Sub-Judges should be retained, then I think as an experimental measure we can have one Civil Judge for every two districts. With these few words, I support the amendment

MR. CHAIRMAN (SRI B. P. NAGARAJA MURTHY).—Now, the Minister will reply.

SRI A. G. RAMACHANDRA RAO.—In opposing the motion of Hon'ble Sri S. Srinivasa Iyengar, I wish to offer the following remarks. I am glad that he indicated in the course of the discussion why he brought this amendment. In his own words "tightening the hands of the Executive in appointing Civil Judges and to restrict their number"—That was his object. In the course of discussion other points no doubt connected with this were also raised regarding the independence of the Judiciary and the separation of the Judiciary from the Executive. I will answer that also. So far as the tightening the hands of the Executive in appointment of judges and to restrict their number are concerned—that seems to be the object—I am sure the House will agree that there should be adequate number of judges dealing with the work on hand. That is a simple proposition. Now, in appointing Civil Judges to various districts and more than one district, he should have adequate work. What are the sources of work? His sources of work are (1) Civil work and 2) work connected with the District Magistrate. My Hon'ble friend gave an idea, taking extracts from the Mallappa Committee Report regarding the civil work that may be so available. Regarding the criminal work no information has been placed by my Hon ble friend. Government are anxious to do the whole thing in appointing the judges in as economical manner as possible and giving him adequate work. Now the provisions available are—I invite the attention of the Hon'ble House to section 5 itself:

> "The Government of Mysore may fix, and may from time to time alter the local limits of the jurisdiction of a District Court or of the Court of a Subordinate Judge or Munsiff or, of a Court of Small Causes. The present local limits of the jurisdiction of every such Court shall be deemed to have been fixed under this Act."

So there is ample provision in the Act itself to distribute the jurisdiction, that is, the main object of finding adequate work for them. It may be two districts will have to be combined or three districts will have to be combined. Or it may be that an additional Civil Judge in some cases may have to be appointed. There should not be any restriction to that. I will read out Sri Srinivasa Iyengar's amendment . . . .

SRI S. SRINIVASA IYENGAR.—"Not less than two districts."

SRI A. G. RAMACHANDRA RAO.—The amendment seeks to say as follows:

> "Provided that the local limits of the jurisdiction of the Court of Civil Judge shall not be less than two revenue districts."

Take for instance Hassan and Mysore. He wants a combination of the two. It is just possible that the Civil Judge in Mysore who will have civil as well as criminal work will not be able to attend to the work at Hassan. Therefore, in practice what the Hon'ble Member has proposed will be unworkable. That is what I discussed with him also.

Discretion is vested with the Government to assess the work of that officer both civil and criminal and fix his jurisdiction. I believe it is better left to the discretion of the Government who will certainly in consultation with the High Court find out the quantum of work that will be available for the Civil Judge and fix his jurisdiction. To tighten the hands by an amendment of the nature we have before us will not be practicable and perhaps the very object which he has in mind may stand defeated. Therefore I oppose the amendment. It is better that the discretion is with the Government to appoint judges for as many districts as possible, for which there is ample provision in the Act and not tighten the hands of the Government which my friend wants to achieve by this amendment.

The ancillary subjects were that the separation of the Judiciary from the Executive should be achieved. I may submit that that is the objective with which the Bill has been brought forward. By progressive legislation from time to time, separation of the Judiciary from the Executive has been in practice in Mysore from a very long time. The link is mainly with the District Magistrate and what are the functions of the District Magistrate? He has work of a preventive and protective nature under the Criminal Procedure Code. He has to hear appeals from the Subordinate Magistracy and in some cases along with the First Class Magistrate he has original jurisdiction also and he has revision powers also. By the appointment of Civil Judges *cum* District Magistrates, the appellate jurisdiction, the original jurisdiction, the revisional jurisdiction and, as I said, barring the protective and preventive work which is so necessary in order to keep law and order, the rest will be transferred. I think it is clear. As at present we stand and as we find in Madras and Bombay, we cannot go further than that. I submit, Sir, that this is a very great step taken towards achieving the separation of the Judiciary from the Executive.

Now regarding the independence of the Judiciary, a reference was made as to who appoints them and whether they are still under the hands of the Executive. I invite the attention of the House to the Constitution itself which regulates as to how judges are appointed and how officers for the subordinate judiciary are appointed. It is in conformity with the Constitution that the District Judges as well as the Subordinate Judiciary are appointed. I will read articles 233 and 234 of the Constitution regarding the appointment of judiciary to the subordinate courts:

> "233 (1) Appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.
>
> (2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.
>
> "234 Appointments of persons other than District Judges to the judicial service of a State shall be made by the Governor of the State in accordance with rules made by him in that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State."

These articles are meant to carry out the purpose of article 50, a directive principle of the Constitution. And, certainly the House will agree that we cannot overlook the limits prescribed in the Constitution. If the members feel that these articles are not adequate, I submit that they have to go elsewhere to get the remedy. We are here to implement the Constitution. I am in agreement with the articles which I read just now, by means of which we will certainly secure the independence of the Judiciary, about which all of us are anxious.

(SRI A. G. RAMACHANDRA RAO.)

With these few remarks I submit that the amendment is not workable and practicable and that discretion should rest with Government as provided under section 5 to consider the quantum of work and limit the jurisdiction which should be vested with the Civil Judges.

Sri S. SRINIVASA IYENGAR.—What is the jurisdiction in the neighbouring States of Madras and Bombay for district courts ?

Sri A. G. RAMACHANDRA RAO.—I know, Sir, that there is one judge for one or more districts. One other point I wish to clarify. My attention was drawn to the Objects and Reasons and the section. Some of the Hon'ble Members felt that there was conflict. I submit that the operative portions in the section itself are not in conflict with the Objects and Reasons. They say that the Courts of Civil Judges will be established for every District and that only Civil Judges will be appointed as Judicial District Magistrates of the District. A Court for the purpose will be established and for several such Courts a District Judge can be appointed. The object of the Hon'ble Member in moving the amendment is already achieved and the section is not in conflict with the Objects and Reasons. I therefore submit that the Hon'ble Sri Srinivasa Iyengar may kindly withdraw his amendment.

Mr. CHAIRMAN.—What does the Hon'ble Member say ?

Sri S. SRINIVASA IYENGAR.—I press the amendment, Sir.

Mr. CHAIRMAN.—The question is :

"that the following provision shall be added to section 5 of the principal Act, namely :—

"Provided that the local limits of the jurisdiction of the Court of a Civil Judge shall not be less than two Revenue Districts."

The motion was negatived.

Mr. CHAIRMAN.—The question is :

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Mr. CHAIRMAN.—Clause 7.

Sri S. SRINIVASA IYENGAR.—Sir, I beg to move the following amendment to clause 7 :

"In the proposed new section 8-A of the principal Act, for the letters and figures 'Rs. 20,000' the letters and figures 'Rs. 25,000' shall be substitued."

Clause 7 of the Bill provides for a new section 8-A styled as 'Jurisdiction of Civil Judge.' It reads as follows :

"The jurisdiction of a Civil Judge shall extend to all original suits and proceedings of a civil nature, not otherwise exempted from his jurisdiction, of which the amount or value of the subject matter does not exceed Rs. 20,000:

"Provided that the State Government may on the recommendation of the High Court and within such local limits as the State Government may determine enhance by notification in the *Mysore Gazette*, such jurisdiction to any pecuniary limit not exceeding Rs. 50,000."

[MR. SPEAKER in the Chair].

Sir, it is no doubt true that in the provision, Government are vested with the power to enhance the pecuniary jurisdiction of District Judge *cum* Civil Judge. Normally jurisdiction is fixed at Rs. 20,000. According to the Bill, original suits whose value exceeds Rs. 10,000 are taken on file by the District *cum* Civil Judge, and according to the present provision of the Bill, that seeks to limit it at Rs. 20,000. My object is to raise it to Rs. 25,000. Even otherwise the Government have power to raise it to Rs. 50,000. I do not doubt it. In the principal Act, the pecuniary jurisdiction of a subordinate judge was fixed at Rs. 5,000 and by means of a proviso the Government were vested with the power to raise it to Rs. 10,000. In actual practice, the subordinate judge has a pecuniary jurisdiction up to Rs. 10,000. He

has that because of a notification issued by Government enhancing the pecuniary jurisdiction from a statutory provision of five to ten thousand rupees.

11-30 A.M.

I don't doubt the effectiveness of that provision. What I want is : why should we not have a statutory provision fixed at Rs. 25,000 for the normal happenings ? That amendment is necessary in view of the subsequent amendments. I will deal with the subsequent amendments at the proper stage. It has a link with the other amendments, and therefore, I think this amendment can very well be accepted by Government. It does not come in their way. In fact, it empowers the District *cum* Civil Judge to entertain cases for an increased value.

Mr. SPEAKER.—Amendment moved :

"In the proposed new section 8-A of the principal Act for the letters and figures 'Rs. 20,000' the letters and figures 'Rs. 25,000' shall be substituted."

Sri A. G. RAMACHANDRA RAO.—As the Hon'ble Member himself puts it under section 8-A it is the Government that will be vested with powers to extend the pecuniary limit up to Rs. 50,000 and we started with Rs. 20,000. By this amendment, the Hon'ble Member seeks to put it at Rs. 25,000. Once again the question comes up as to who should have the restrictive nature of powers ; whether the Government or the High Court ? To do the right thing, we have to do it in consultation with the High Court. I submit, Sir, that Rs. 20,000 is quite reasonable. And in case of need, after consultation with the High Court and such other bodies as are necessary, certainly, we will enhance the jurisdiction of the Civil Judge. I believe Sir, that this power should be left to the discretion of the Government. With these words I commend the Bill.

Mr. SPEAKER.—There are no differences of opinion.

Sri S. SRINIVASA IYENGAR.—My amendment does not seek to take away the proviso. It just seeks to change the letters and figures in respect of the main clause. The Government can easily accept my amendment.

Sri A. G RAMACHANDRA RAO.—If it is found necessary and if it is found admissible, certainly, the Government will do it and there will not be any distinction as proposed in the amendment. I can assure the Hon'ble Member so much, Sir.

Mr. SPEAKER.—The question is :

"That in the proposed new section 8-A of the principal Act, for the letters and figures 'Rs. 20,000' the letters and figures 'Rs. 25,000' shall be substituted."

The motion was negatived.

Mr. SPEAKER.—The question is :

"That Clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Mr. SPEAKER.—Clause 8. There is an amendment to clause 8 by Sri S. Srinivasa Iyengar.

Sri S. SRINIVASA IYENGAR.- Sir, I beg to move the following amendment to clause 8 of the Bill :

"For the letters and figures 'Rs. 10,000' the letters and figures 'Rs. 15,000' shall be substituted."

Sir, clause 8 of the Bill reads as follows :—

"In Section 9 of the principal Act, for the figures '5,000', the figures "10,000" shall be substituted, and the proviso to the section shall be omitted."

Section 9 of the Mysore Civil Courts Act, 1883 reads as follows:—

"9. Jurisdiction of Subordinate Judge.—The jurisdiction of a Subordinate Judge shall extend to all original suits and proceedings of a civil nature, not otherwise exempted from his jurisdiction, of which the amount or value of the

(SRI S. SRINIVASA IYENGAR.)

subject-matter does not exceed Rs. 5,000: "

It has a proviso too which the Bill seeks to delete. The proviso reads as follows:—

"Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 10,000, or invest any Subordinate Judge with jurisdiction without any limit as to amount or value of the subject matter."

The Hon'ble the Minister advanced an argument that since there is a provision for the previous clause, the purpose of the Hon'ble Member would be achieved. That was the tenor of his argument while moving the original amendment. Here, the Bill seeks to delete this provision and limit the jurisdiction of the Subordinate Judge as it is today. Even though the statutory provision of the pecuniary jurisdiction of a Subordinate Judge was at Rs. 5,000 by virtue of the powers vested in the Government, the Government by notfication can raise the pecuniary jurisdiction of a Subordinate Judge to Rs. 10,000. Today the Courts of the Subordinate Judges entertain suits of lesser value. The Bill does not seek to enhance the pecuniary jurisdiction of the Subordinate Judge. It has no provision also. Therefore, literally, the pecuniary jurisdiction of a Subordinate Judge's Court has not been enhanced. I therefore submit that it is very necessary to change that figure, because the Government have no proviso to enhance it to at least Rs. 15,000. I press this amendment, because the Bill seeks to enhance the pecuniary jurisdiction of Munsiffs. It is very necessary to enhance the pecuniary jurisdiction of Subordinate Judge. In between the Subordinate Judge and the District Judge, we have got a new court, called the Court of the Civil Judge. The Civil Judge has the pecuniary jurisdiction of Rs. 20,000 which is liable to be enhanced to Rs. 50,000 by a notification of the Government, as passed just now.

Now, between the jurisdiction of a Subordinate, Judge's Court and that of the Civil Judge's Court, the gap is too wide. The Subordinate Judge's Court will limit itself to a jurisdiction of Rs. 10,000 and the Civil Judge's Court has the limit up to Rs. 20,000. By the change in jurisdiction that we may have from that of the Munsiff to a District Court or Civil Judge's Court, we have a gap of Rs. 3,000 to Rs. 20,000. The Munsiff's pecuniary jurisdiction is limited to Rs. 3,000 and the pecuniary jurisdiction of a Civil Judge is up to Rs. 50,000. So the change is too wide. I therefore submit, Sir, that the pecuniary jurisdiction of a Subordinate Judge's Court must also be enhanced for the very reasons put forth in the Mallappa Committee Report. The Mallappa Committee have stated that in view of the inflation in the prices of agricultural land and property, it is necessary to raise the pecuniary jurisdiction. That purpose has not been implemented, and therefore, I submit Sir, that this amendment is perfectly logical and it must appeal to Government.

MR. SPEAKER.—Amendment moved:

"For the letters and figures 'Rs. 10,000' the letters and figures 'Rs. 15,000' shall be substituted."

SRI A. G. RAMACHANDRA RAO.—I am sorry, I have to oppose this amendment for this reason. The Subordinate Judges started with a jurisdiction of Rs. 5,000 and it was capable of being raised up to Rs. 20,000. The Sub Judges' Courts are very old institutions. From the experience gained by a set of officers and from the work that has been done so, far, it was found necessary to stabilise the jurisdiction to Rs. 10,000. So, he will have a long range, from Rs. 3,000 to Rs. 10,000. Further, there is an additional risk also. The Subordinate Judges Courts, most of them, are First Class Courts. So, considering the quantum of work and from the experience gained in dealing with the pecuniary jurisdiction, it was found

that the limit of Rs. 10,000 could be established. Therefore, the Government in consultation with the High Court has wisely adopted this figure. To further enhance it at this stage may not be proper. Therefore I submit that the Hon'ble Member will withdraw his amendment.

Sri S. SRINIVASA IYENGAR.—I press the amendment.

Mr. SPEAKER.—The question is:

"For the letters and figures 'Rs. 10,000' the letters and figures 'Rs. 15,000' shall be substituted."

The motion was negatived.

Mr. SPEAKER.—The question is:

"That Clause 8 will stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Mr. SPEAKER.—Clause 9.

Sri S. SRINIVASA IYENGAR.—Sir, I beg to move the following amendment to clause 9:

"For the letters and figures 'Rs. 3,000' the letters and figures 'Rs. 5,000' shall be substituted."

Clause 9 of the Bill seeks to amend section 10 of Mysore Act I of 1883. Section 10 of the Mysore Act reads as follows:

"The jurisdiction of a Munsiff shall extend to all like suits and proceedings, not otherwise exempted from his jurisdiction, of which the amount or value of the subject matter does not exceed Rs. 1,000:

"Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may, from time to time, prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 2,500."

The provision in the Bill seeks to delete this proviso to section 10 of the principal Act.

Mr. SPEAKER.—The proviso means: there the pecuniary jurisdiction was only raised to Rs. 2,500; now it is permanently increased to Rs. 3,000.

Sri S. SRINIVASA IYENGAR.—I will come to that. Even as it is, the Munsiffs have pecuniary jurisdiction up to Rs. 2,500. Even though the statutory jurisdiction was limited to Rs. 1,000 in virtue of the powers vested under the proviso in Government, the Government have by a notification empowered the Munsiff to exercise that pecuniary jurisdiction of Rs. 2,500. The Bill seeks to permanently raise it to Rs. 3,000. I have moved this amendment with one object; that is, to enhance the pecuniary jurisdiction of the Munsiff for the reason that the territorial jurisdiction of the Munsiffs is going to be reorganized in the light of the report of the Mallappa Committee. The territorial jurisdiction of the courts has been examined in detail by the Mallappa Committee. It is possible that many of the taluks which have a population of more than one lakh may have a Munsiff's Court located there. As it stands to-day, all cases from those parts have to be filed in Cities like Mysore and Bangalore. If the recommendations of the Mallappa Committee in respect of the territorial jurisdiction of these courts are implemented, it is possible that Munsiff-Magistrates, Courts might be established in most of the taluks. The reason that was advanced by the Mallappa Committee for the enhancement of the pecuniary jurisdiction was that in virtue of the inflation of prices of property a revision is necessary The pecuniary jurisdiction as fixed in the Act of 1883 took into account the prices then prevailing, that is, in the year 1883. The value of the property as it stands to-day is perhaps 20 times the value that prevailed in 1883. To enable the people residing in taluks to file their suits in the Munsiff-Magistrate's Court established in the taluk headquarters a revision is necessary and therefore I submit that the pecuniary jurisdiction might be limited to Rs. 5,000 instead of Rs. 3,000. I think no harm is done if this amendment is accepted and the Government are fully convinced about the need of the people living in taluks.

Mr. SPEAKER.—Amendment moved:

"For the letters and figures 'Rs. 3,000' the letters and figures 'Rs. 5,000' shall be substituted."

Sri A. G. RAMACHANDRA RAO.—I oppose the amendment. The Hon'ble Member has brought forward two new ideas in support of his amendment. One is the proposals contained in the Mallappa Committee Report. No. 2 is, the prices. The Mallappa Committee Report is still under consideration and has not taken shape. So we have got to provide for existing things and decide the matter.

Regarding prices, most of the suits as the Hon'ble Member knows, will be land revenue ones. The prices of lands are affected in two ways; one by the prices of foodstuffs which, as the Hon'ble Member knows, are on the downward trend and they have not stabilised themselves at any particular level.

Sri S. SRINIVASA IYENGAR.—But in comparison with the prices prevailing in 1883. . . . .

Sri A. G. RAMACHANDRA RAO.—I will come to that.

The other, which is a more potent factor and of enduring nature is the tenancy legislation. I believe the Hon'ble Member agrees that the tenancy legislation has deeply affected land revenue. Therefore, we are very cautious regarding the upward trend of prices that has been recorded since 1883. The statutory jurisdiction was only Rs. 1,000 capable of being raised to Rs. 2,500. Therefore, advisedly we have stabilised it at Rs. 3,000.

One last factor. The Munsiffs are recruited afresh. They will be raw. What quantum of jurisdiction to be vested in those officers will have to be very carefully thought out and I believe very prudently the Government has fixed it at Rs. 3,000 instead of allowing the newly recruited Munsiffs to deal with higher pecuniary value. I submit that the amendment as proposed by the Government is good and sound and therefore I oppose the amendment of the Hon'ble Member. I request him once again to withdraw the amendment.

Sri S. SRINIVASA IYENGAR.—I press it.

Mr. SPEAKER.—The question is :

"For the letters and figures 'Rs. 3,000', the letters and figures 'Rs. 5,000' shall be substituted."

The motion was negatived.

Mr. SPEAKER.—The question is :

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Mr. SPEAKER.—Clause 10. Next amendment.

Sri S. SRINIVASA IYENGAR.—As this amendment was tabled as a consequential amendment, I don't move it.

Mr. SPEAKER.—Clauses 10 to 15, both inclusive. The question is :

"That Clauses 10 to 15, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 10 to 15, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is :

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is :

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—I beg to move :

"That the Mysore Civil Courts (Amendment) Bill, 1955, as passed by Legislative Council, be passed."

Mr. SPEAKER.—Motion moved :

"That the Mysore Civil Courts (Amendment) Bill, 1955 as passed by Legislative Council, be passed."

Sri S. SRINIVASA IYENGAR.—I have only one or two remarks to make.

However reasonable the amendments may be, the Government do not seem to accept any of them because they have some suspicion in what we want to place before them. If an amendment is proposed by an Opposition member, it does not mean that it should not be accepted. Therefore, we submit that the amendments proposed have to be considered on merits. I quite understand that the Bill has been passed in the Upper House and if any amendment is accepted here it involves some delay. As a matter of fact, the existence or the creation of bi-cameral Legislature is for such delay. I do not know why the Bill should be hastened in this House. The Government know that the amendments suggested are very necessary and can be accepted, but they have not accepted them because they have the feeling that their prestige is at stake. At least the Government will reconsider these things and themselves table such amendments in the next session. Let them table the amendments when they know definitely that it is for the good of the country.

Mr. SPEAKER.—Whether the amendment is for the improvement of the provisions and whether it is tabled by an Opposition member or some other member, the Hon'ble Minister was pleased to say that the Munsiffs are raw and cannot be entrusted with this jurisdiction.

Sri S. SRINIVASA IYENGAR.—When you can entrust cases up to Rs. 3,000, when clients could file a suit up to the limit of Rs. 3,000, I do not see any reason why the Munsiffs cannot be entrusted with jurisdiction to the extent of Rs. 5,000? There cannot be much meaning in that. The Munsiff's basic salary was Rs. 150. Today it goes up to Rs. 300. The object is to make him a responsible judge. The interest of Government is to have fair and quick justice. By this you can fairly understand that the Government rest on prestige.

Sri A. G. RAMACHANDRA RAO.—Sir, I wish to assure the Hon'ble Member that the amendments tabled were carefully considered and it is only on merits that they were opposed. With regard to other points he has raised, I have already answered. He says 'When you can say Rs. 3,000, why don't you concede Rs. 5,000 limit?' The same argument can be extended further and said: "Why not concede a higher amount?" We have to draw a line. Out of experience, we find that we can limit the jurisdiction to Rs. 3,000 for the present. I once again assure the Hon'ble Member that there is no reason to think that because it came from the Opposition we are not considering. It is not a proper statement to be made. May I assure him that we will consider every one of the amendments on its own merits.

Mr. SPEAKER.—The question is:

"That the Mysore Civil Courts (Amendment) Bill, 1955, as passed by Legislative Council, be passed."

The motion was adopted.

OFFICIAL RESOLUTION

Entrusting the management of Government Securities and Public Debt to Reserve Bank of India.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—I beg to move the following resolution:

"Whereas the Public Debt (Central Government) Act, 1944 (Central Act XVIII of 1944) contains provisions relating to Government securities issued by the Central Government and for the Management by the Reserve Bank of India of the public debt of the Central Government;

And whereas the said Public Debt Act has been amended to make its provisions also applicable to securities issued by the States specified in Part A of the First Schedule to the Constitution of India;

And whereas, in order to avoid inconvenience to the public, it is deemed desirable that the laws and regulations relating to Government securities should be uniform as far as possible throughout India;